

# fact sheet

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## **USCOP Recommendations, the U.S. Ocean Action Plan and the Administration's Magnuson-Stevens Act (MSA) Reauthorization Bill**

<b>USCOP Recommendation</b>	<b>U.S. Ocean Action Plan</b>	<b>Administration's MSA Bill</b>
<b>Ecosystem-Based Approach to Management</b>		
Increase the number of ecosystem assessments in coordination with the appropriate federal and regional entities. Federal agencies should move toward an ecosystem-based management approach. (USCOP Recommendations: 4-3, 5-5, 19-21)	"The Administration will continue to work towards an ecosystem based approach in making decisions related to water, land, and resource management in ways that do not erode local and State authorities and are flexible to address local conditions." (p.3)	The bill redirects fisheries management toward an ecosystem-based approach and mandates preparation of guidance on incorporation of ecosystem considerations in fishery management decisions and authorizes the Councils to create fishery ecosystem plans. It also proposes numerous changes (such as the inclusion of Habitat Areas of Particular Concern) that help move the fisheries management process towards an ecosystem-based approach.

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<b>Use of Science in Fisheries Management</b>		
Separate conservation and allocation decisions of Regional Fishery Management Councils. Mandate that Councils accept and use findings of Scientific and Statistical Committees (SSCs) for decision-making. Require independent reviews of science. Compel SSCs to meet deadlines for allowable biological catch determinations. SSC members should meet stringent conflict of interest requirements and receive compensation. (USCOP Recommendations: 19-1, 19-2, 19-4, 19-5, 19-6)	"Therefore, consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, the President directs NOAA to establish guidelines and procedures for the development and application of scientific advice for fisheries management decisions, in consultation with the Regional Fishery Management Councils, Interstate Fishery Commissions, stakeholders, and other agencies as appropriate." (p.19)	The bill addresses in detail the collection, quality control and use of science that is the basis of fishery management decisions. The quality of scientific advice by the SSCs is improved by formalizing a peer review of fisheries science. The bill also authorizes the payment of stipends to SSC members.
<b>Harvest Levels and Allowable Biological Catch (ABC)</b>		
Require harvest levels be set lower than allowable biological catch (ABC), as determined by the SSCs. (USCOP Recommendation: 19-3)		The bill mandates the elimination of overfishing as soon as possible, but no later than two years after the development of a rebuilding plan.
<b>Timely ABC Determinations and Fishery Management Plans</b>		
SSCs should have deadlines to set ABCs; Councils must use ABCs to develop timely fishery management plans (FMPs); and fishing must be suspended until the pertinent FMP is reviewed for adequacy by the Secretary. (USCOP Recommendations: 19-5, 19-6)		The bill includes numerous provisions that have the effect of streamlining the management process and avoiding unnecessary delays.
<b>Management Information Needs</b>		
Councils and SSCs should develop annual, prioritized list of management information needs. (USCOP Recommendation: 19-7)		The bill directs the Secretary of Commerce to establish a "national data collection system", and authorizes the Councils to request that the Secretary implement an information collection program to provide information as specified by the Council.
<b>Mandatory National Saltwater Recreational License</b>		
NOAA, working with States and Interstate Fisheries Commissions, should require all saltwater anglers to purchase licenses to improve in-season	"NOAA will work with States, Regional Fishery Management Councils, Interstate Fishery Commissions, other interested and affected parties,	The bill requires the Secretary to establish and implement a uniform national program for registration of recreational fishermen. This system

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data collection on recreational fishing. (USCOP Recommendation: 19-8)	and Federal agencies as appropriate to develop a draft proposal for mechanisms to complete the existing State-based saltwater fishing license network or propose appropriate alternatives that would improve fisheries management, especially in the U.S. Exclusive Economic Zone.” (p. 19)	will be based on, and harmonized with, State-administered registration programs already in place. The bill also proposes a mandatory national commercial fish permit program.
<b>Lead Responsibility for Interjurisdictional Fisheries</b>		
Congress should clearly designate the lead management authority (NOAA, the Councils, or interstate fisheries commissions) for stocks that “cross administrative boundaries”. (USCOP Recommendation: 19-11)		NOAA believes that this issue is adequately addressed in the current MSA and does not require further amendment. Cooperation between NOAA, the Councils and Interstate Fisheries Commissions in the management of “interjurisdictional fisheries” is adequate.
<b>Council Appointments, Membership, and Training</b>		
Require Governors to submit a broadly representative slate of Council nominees, including at least two nominees each from the commercial fishing sector, recreational fishing sector, and the general public. Assign authority to make Council appointments to the NOAA Undersecretary. Require all new Council members to complete a training course within six months of appointment. (USCOP Recommendations: 19-12, 19-13, 19-14)	“In the 109 <sup>th</sup> Congress, the Administration will transmit a proposal to amend the Magnuson-Stevens Fishery Conservation and Management Act to require governors to submit a slate of nominees for Regional Fishery Management Council seats that represents a balanced apportionment in marine fisheries in their respective States.” (p.19)	The bill includes several provisions to achieve broader representation on the Councils. It does not specify a ratio of nominees from each sector since no national formula is appropriate for all the Councils. NOAA already provides regular training and will conduct more frequent training as resources permit.
<b>Dedicated Access Privileges</b>		
Councils should be explicitly authorized to develop Dedicated Access Privilege (DAP) programs, and NOAA Fisheries Service should be directed to prepare “national guidelines for DAPs that allow for regional flexibility in implementation.” (USCOP Recommendation: 19-15)	“In the 109th Congress, the Administration will propose updated legislation to amend the Magnuson-Stevens Fishery Conservation and Management Act to explicitly allow the use of dedicated access privileges, such as IFQs, as a management tool. The proposed legislation will strike a balance between assuring flexibility in	The bill authorizes the Councils to create DAPs with considerable freedom and within certain nationally applicable constraints, to choose among and craft DAPs that meet the unique needs and circumstances of the fisheries in question. NOAA is also working to fulfill commitments made in the

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	development of IFQ programs and the need to observe certain protections.” (p.18)	U.S. Ocean Action Plan towards preparing guidelines on IFQs.
<b>Cooperative Enforcement</b>		
NOAA Fisheries Service and the U.S. Coast Guard should strengthen cooperative enforcement and develop a process for information sharing. NOAA Fisheries Service should maximize use of vessel monitoring systems (VMS) and VMS data. (USCOP Recommendations: 19-18, 19-19)		NOAA and the U.S. Coast Guard are firm supporters of such cooperation. The bill includes a provision that addresses funding mechanisms for observer programs. Lastly, the bill proposes that VMS data may be shared with enforcement officials of other agencies.
<b>Regional Bycatch Reduction Plans</b>		
NOAA Fisheries Service and the Councils should develop regional bycatch reduction plans “that address broad ecosystem impacts of bycatch.” (USCOP Recommendation: 19-22)	Administration highlighted its progress on implementation of a National Bycatch Strategy, which began in 2004.	The bill modifies the definition of “bycatch” to include seabirds. NOAA acknowledges that bycatch is an important problem and currently has regional bycatch plans to help address it.
<b>Reduce Overcapitalization in Fisheries</b>		
NOAA should take appropriate steps to permanently reduce fishing capacity to sustainable levels. (USCOP Recommendation: 19-16)		The bill authorizes the Secretary to conduct a fishing capacity reduction program if a Council, State, or the Secretary deems it necessary.

#### **USCOP Issues Not addressed in the MSA**

Other USCOP recommendations address issues that do not fall under the jurisdiction of the MSA. These recommendations cover issues that are governed by other laws or are handled administratively by agencies other than NOAA (*e.g.*, Department of State). All of these issues have direct or indirect implications for marine fisheries programs and policies. The Administration remains committed to working on these and other issues as spelled out in the U.S. Ocean Action plan. The most important non-MSA recommendations are listed below:

- Design and goals of marine protected areas (USCOP Recommendations 6-3, 6-4)

- Code of flag State responsibility (USCOP Recommendation 16-3)
- Programs to remove derelict fishing gear (USCOP Recommendation 18-4)
- Upgrade Gulf and Pacific interstate fisheries commissions (USCOP Recommendation 19-10)
- Repeal of FFP and CCF Programs (USCOP Recommendation 19-16)
- Enforcement of Fish Stocks and Compliance Agreements (USCOP Recommendation 19-23)
- Review of bilateral and regional fishery agreements (USCOP Recommendation 19-24)
- US national plans to implement UN FAO IPOAs (USCOP Recommendation 19-25)
- Enforcement of FAO Code of Conduct and FAO IPOAs (USCOP Recommendation 19-26)
- NOAA-Interior/FWS coordination on ESA issues (USCOP Recommendation 20-3)
- Marine mammal takings (USCOP Recommendation 20-4)
- Coral Reef standards and research (USCOP Recommendations 21-3, 21-4)
- Offshore Aquaculture (USCOP Recommendation 22-2)
- Use of OCS revenues to support sustainable development of renewable resources (USCOP Recommendation 24-1)
- Ocean-related themes of Convention on Biological Diversity (USCOP Recommendation 29-2)